

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA OF  
NORTHERN DIVISION

## ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #14) to the Recommendation of the Magistrate Judge filed on October 14, 2008 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #13) filed on October 1, 2008 is adopted;
3. Defendant's Motion to Dismiss (Doc. #9) is GRANTED, and that plaintiff's complaint, as amended, is DISMISSED without prejudice because plaintiff has failed to state a claim for which relief can be granted.

DONE this the 17th day of October, 2008.

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/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE